

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 4704 of 2004

Between:

- 1 M.Veeranna, s/o M.Hachya, occ:Student of Sri Indu College of Education, Hall Ticket No.582003092 Studying B.Ed.,Courses, r/o O.U.Campus Hostel,
Osmania University, Hyderabad.
- 2 J.Naresh, s/o J.Lingaiah, Occ:Student of St.Anns College of Education, Malkajgiri, Hall Ticket No.372003097 Studying B.Ed.,Courses, r/o O.U.Campus Hostel, Osmania University,Hyderabad.
- 3 G.Santosh Kumar, s/o G.Shankaraiah, Occ:Student of Ravindranath Tagore College of Education, Chavella, Hall Ticket No. 812003024,Studying B.Ed.,Courses, r/o O.U.Campus Hostel,
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- 4 M.Rakesh Kumar, s/o M.Narayanji, Occ:Student of St.Anns College of Education, Hall Ticket No.372003035
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- 5 K.Subash, s/o Babu Rao, Occ:Student of Arafaa College of Education, Miryalaguda, Hall Ticket No.562003027
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- 6 B.Venugopal, s/o Rajalingu, Occ:Student of Arfaa College of Education, Miryalaguda, Nalgonda Dist.Hall Ticket No. 562003030, Studying B.Ed., Courses, r/o O.U.Campus Hostel,
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- 7 P.Sateesh, s/o Rachotappa, Occ:Student Hall Ticket No.0582003078
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- 8 Satya Narender, s/o Venkata Koochaiah, Occ:Student Hall Ticket

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9 S.Ravinder, s/o Krishtaiah, Occ:Student Hall Ticket

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10 K.Kanakaiah, Occ:Student Hall Ticket No.0022003003

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11 P.Anand Babu, s/o Shiva Kumar Goud,Occ:student Hall Ticket

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14 Nirmala, d/o Krishna Reddy, Occ:Student Hall Ticket

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15 V.Lalitha, d/o Raghavasharma, Occ:Student Hall Ticket

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20 N.Srinivas Reddy, s/o Ram Reddy, Occ:Student, Hall Ticket No.882003029

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Osmania University, Hyderabad.

21 B.Gattaiah, s/o Venkatti, Occ:Student, Hall Ticket No.862003004

Studying B.Ed.,Courses, r/o O.U.Campus Hostel,
Osmania University, Hyderabad.

22 K.Raghavendra Kumar, s/o Sattaiah, Occ:Student, Hall Ticket No.842003046

Studying B.Ed.,Courses, r/o O.U.Campus Hostel,
Osmania University, Hyderabad.

..... PETITIONERS

AND

1 Vice Chancellor, Osmania University, Hyderabad.

2 The Registrar, Osmania University, Hyderabad.

3 Controller of Examinations, Osmania University, Hyderabad.

4 The Director General, Vigilance & Enforcement, B.R.K.Bhavan, Tank Bund, Hyderabad.

5 The Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ mandamus declaring the action of the respondent University in not revaluing the B.Ed., answer scripts of the petitioners properly by teachers having knowledge of B.Ed.,Course and committing illegality and irregularities in conduct of exams and revaluation and showing the petitioners as failed as illegal, unconstitutional, violative of Article 14, 16, 21 of the Constitution of India and the Provisions of the A.P.Universities Act, 1991 and consequently (1) direct the respondents to get the papers valued by teachers having touch with B.Ed., course preferably by teachers of other University, (2) direct the District Selection Committee to permit the petitioners to take DSC Exam in the event they pass the exam in revaluation and (3) direct the Vigilance and Enforcement Department or any other authority to investigate into the conduct of B.Ed.Course/examination and revaluation.

For the Petitioner:MR.K.RAMAKANTH REDDY, Advocate.

**For the Respondent Nos. 1 to 3 : MR.DEEPAK BHATTACHARJEE
Standing Counsel for Osmania**

University.
For the Respondent Nos. 4&5 : G.P. for School Education.
The Court Made the Following :

ORAL ORDER: (per The Honourable Sri Devinder Gupta, the Chief Justice)

This Writ Petition was filed as Public Interest Litigation by 22 students questioning the action of the respondent-University in not revaluing the B.Ed. answer scripts of the petitioners properly by teachers having qualification of B.Ed. course, and about the irregularities alleged to have been committed in the conduct of examination and revaluation. Petitioners prayed that respondents be directed to get the papers valued by the teachers having B.Ed. qualification, and, District Selection Committee be directed to permit the petitioners to take DSC examination in the event they pass, and, the Vigilance and Enforcement Department be directed to investigate into the conduct of B.Ed. course/examination and revaluation. Writ Petition was filed on 10th March, 2004.

The primary grievance made by the petitioners in the Writ Petition was about the manner in which revaluation appears to have been done by the respondent-University. A student gave a complaint to the Registrar that he paid Rs. 20,000/- to a person, who promised that he would pass him in revaluation and that the person is not to be seen, and, that he should be passed. Petitioners allege that some of the students were shown to have passed the examination, but their names did not figure in the list of passed candidates published on 7.3.2004. Many students who got very less marks were passed in a mechanical manner in revaluation, and, in the case of the petitioners, revaluation was not done properly by the competent persons as per the A.P. Universities Act,

1991.

Petitioners allege that they appeared for the B.Ed. Entrance Test in the year 2002. It is one-year course spread over one academic year. Entrance examination for B.Ed. course was over in April, 2003 and admission counseling took place thereafter. Classes commenced in the last week of May, 2003. But, abruptly, to the shock of the petitioners, in the first week of January, 2004, respondents announced that there will be final examinations from 12th January, 2004. Thus, studies were conducted only for 7 months i.e. almost middle of the academic year. Thus, examinations were conducted only after 7 months of study without completing the course, and the petitioners alleged that since they had failed even in revaluation due to not completing course by respondents, they have suffered a lot. They state that even District Selection Committee did not accept their forms. They belong to poor families. Therefore, in the entire episode, action of the respondents deserves to be probed in having committed irregularities in revaluation and conducting the course.

Respondent-University filed reply affidavit of Professor M.Mutha Reddy, Registrar, denying all the allegations. It was stated that entrance test was conducted on 16.6.2002, admissions were made in April, 2003 and classes commenced from June, 2003. It was submitted that two parallel batches of students were admitted for the academic year 2002-2003 because of the delay in the sanction of new colleges (56 in number) by National Council for Teachers Education and Government of Andhra Pradesh. There were several representations made by the student organizations and public to the Universities and Government of Andhra Pradesh that the students admitted for the academic year 2002-2003 must be given an opportunity to appear for D.S.C. examination. After considering the request of the students and direction of the

Government, University reviewed the academic program and arranged accelerated teaching program since 24th August, 2003 keeping in view the future of the students. As per the Rules of National Council for Teachers Education, an academic year should have 180 instructional days and hence the almanac is prepared in accordance with the National Council for Teachers Education as well as U.G.C. norms. The academic year does not cover the entire calendar year. It is stated that the notification of examination schedule was issued on 24.12.2003. Thus, examination was conducted after completing 180 instructional days as per the norms. Examinations were conducted from 12.1.2004 to enable the students to appear for D.S.C. examinations. 5773 students appeared for the examinations and 5007 students have passed the examination. Another 241 students passed after revaluation, bringing the total number of passed students to 5248 i.e. 90.90%.

The Registrar in the affidavit specifically denied the allegations of irregularities and stated thus:

“.....all the papers were revalued as per the university rules by two valuers separately and independently. The average of two valuations is taken as per Rules. The results depend upon the performance of the candidates only. The deponent submitted that a complaint was lodged by a student who secured 13 marks and alleged that he paid Rs.20,000.00 for revaluation. In response to the said averment, it is humbly submitted that, the said student had submitted an application to the Controller of Examinations that he paid Rs.15,000.00 to an unknown person to make him pass in Educational Psychology paper and he secured 33 marks in that paper, and not 13 marks as alleged. In the revaluation, the said candidate secured 48 marks but failed in the examination for want of aggregate marks in Part-I i.e., he scored a total marks of 266, whereas the required total for passing the examination was 270. The allegation of the petitioners that above incident manifests malpractices is devoid of merits and the allegations are denied in toto. Further, it is submitted that the college-wise, subject-wise results with memorandum of marks and provisional certificates were sent to the colleges immediately to avoid

inconvenience to the students. It is not correct to state that, the memos were issued to students showing them as pass though their names did not figure in the list of passed candidates displayed on 7-3-2004. The said averments are totally false and baseless.”

As regards revaluation, it was stated that Board of Studies has to approve the Panel of valuers and in this case also Board of Studies, which is a statutory body prepared the Panel of Valuers, who are qualified persons, holding Master Degree in the subject. Therefore, allegation that the panel was published and it was in contravention of the provisions of the A.P. Universities Act, 1991 is denied.

Having heard learned counsel for the Petitioners, we are of the view that petitioners’ sole grievance appears to be against revaluation and also not completing the course. As per the affidavit in reply, course was conducted, may be, much before time, that too, on accepting representations of Student Organizations requesting that they must be given an opportunity to appear for D.S.C. examination. Having done so, no fault can be found in the action of the University, and, no action needs be taken since there is not even an iota of evidence justifying to take any action.

The petitioners knowing fully well the position, without any demur or objection, appeared for the examination and failed therein and after having their answer scripts revalued, they cannot make any grievance for maintaining this writ petition. Therefore, the writ petition is dismissed. No costs.

DEVINDER GUPTA, CJ

21—06—2004

G. ROHINI, J.

VR.
To

- 1 Vice Chancellor, Osmania University, Hyderabad.
- 2 The Registrar, Osmania University, Hyderabad.
- 3 Controller of Examinations, Osmania University, Hyderabad.
- 4 The Director General, Vigilance & Enforcement, Tank Bund, Hyderabad.
- 5 The Commissioner and Director of School Education, A P., Hyderabad.
6. 2CCs to G.P. for School Education (OUT)
- 7.2CD copies